



Ninety-Ninth Legislature - First Session - 2005
Introducer's Statement of Intent
LB 344

Chairperson: Tom Baker
Committee: Transportation and Telecommunications
Date of Hearing: February 7, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The bill gives the Public Service Commission jurisdiction over certain aspects of wireless telecommunications service and wireless carriers.

Sections 1 and 2 contain harmonization references.

Section 3 defines service agreement.

Section 4 defines substantive change.

Section 5 defines wireless carrier.

Section 6 amends §86-124 by striking language that prohibited the Public Service Commission from regulating mobile radio services, radio paging services and wireless telecommunications services.

Section 7 amends §86-125 by making technical changes and striking the definition of wireless carrier.

Section 8 adds new language requiring that for service agreements extended, amended or entered into after October 1, 2005, (1) each wireless carrier shall provide each subscriber a written copy of the service agreement within 14 days. Any substantive change shall also be provided in writing within 14 days. Under subsection (2), the terms of and substantive changes to the service agreement shall be clearly stated. Under subsection (3), the wireless carrier shall inform the subscriber that the subscriber has 14 days after they receive a copy of the service agreement or substantive change to cancel the service agreement without any early termination fee or penalty.

Section 9 adds new language providing that for service agreements extended, amended, or entered into on or after October 1, 2005, the bills should be rendered regularly and contain a clear and detailed listing of all charges. Wireless carriers shall distinguish between their fees and taxes, fees, and other charges that are remitted to any federal, state or local government.

Section 10 states the commission may resolve a dispute between a subscriber and wireless carrier regarding a service agreement or billing dispute. Under subsection (2), if a dispute arises, the carrier shall promptly investigate the dispute and report the results to the subscriber. During the investigation, disconnection of service shall not occur if the balance of the bill not in dispute is paid. Under subsection (3), if the investigation does not resolve the dispute, either party may petition the Public Service Commission who shall set the matter for hearing. The commission may order payment or discharge of the disputed bill; order the disputed service agreement voided; or administratively fine the carrier. Under subsection (4), an order of the commission may be enforced as provided in §75-140 to 75-144 and may be appealed by either party under the Administrative Procedure Act.

Section 11 provides an operative date of October 1, 2005.

Section 12 contains the repealer clause.

Principal Introducer:

Senator Tom Baker